

## Chapter 26

### OFF-STREET PARKING AND LOADING\*

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#### ARTICLE I. IN GENERAL

##### Sec. 26-1. Purpose and applicability.

(a) This chapter is enacted for the purpose of requiring all persons developing new and redeveloping existing buildings within the City of Houston to provide sufficient off-street parking and loading facilities for such buildings. It is the intent that the provision for parking and loading be provided at all times while these buildings are occupied or otherwise in use, and that no building may be permitted to be used or occupied without provision for the facilities as required in articles II, III and VI of this chapter, except as provided in articles IV and V of this chapter.

(b) This chapter applies only:

- (1) To construction of new buildings; and
- (2) To the alteration of existing structures where the alteration results in an increase in:
  - a. The gross floor area of a building; or
  - b. The useable floor area an existing free-standing structure; and
- (3) To a change of land use; and
- (4) To a change of use in a free-standing building from one occupancy class to another occupancy class; and
- (5) To a change of use in a strip or neighborhood shopping center where the addition of a class 6 or 7 occupancy to the strip or

neighborhood shopping center increases the total gross floor area of the shopping center used by class 6 or 7 occupancies.  
(Ord. No. 89-712, § 2, 5-17-89; Ord. No. 96-958, § 1, 9-18-96)

##### Sec. 26-2. Definitions.

For the purpose of this chapter, the following terms, phrases and words will have the meanings ascribed to them. When not inconsistent with the context, words used in the present tense include the future; words in the singular include the plural; and words used in the plural number include the singular number.

Any office referred to herein by title will include the person employed for or appointed to that position or his duly authorized deputy or representative. As used herein the word "building" includes buildings, structures and portions thereof.

*Alteration* means any change of occupancy or any addition or modification in construction of a building or structure that results in an increase in the gross floor area of a building or in the useable floor area in a free-standing structure.

*Apartment house* means any building, or portion thereof, which is designed, built, rented, leased, let out or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other, and shall include flats and apartments, and shall include a condominium created under article 1301a, Texas Revised Civil Statutes Annotated (Vernon's).

\*Cross references—Ambulances, Ch. 4; automotive dealers and auto wreckers, Ch. 8; manufactured homes and recreational vehicles, Ch. 29; streets and sidewalks, Ch. 40; traffic, Ch. 45; vehicles for hire, Ch. 46.

*Arcade or game room* means a building designed primarily as a place of amusement and recreation that may include pinball machines, video games and other related amusement machines or devices.

*Arena* means an enclosed or unenclosed structure or area which includes a large area dedicated to seating for spectators.

*Art gallery or museum* means a building that contains the facilities for the sale, loan or display of books, paintings, sculptures or other works or objects of art.

*Auditorium* means a building for use as a place for public and/or private gatherings.

*Auto parts and supply store* means a building containing a facility for the sale of motor vehicle parts and related items to the general public.

*Auto repair establishment* means a retail establishment engaged in the sale of automobile fuel, motor oil or repair services essential to the normal operation of motor vehicles.

*Auto sales dealer* means a building containing a facility for the display, service and retail sales or for the leasing of motor vehicles.

*Bar, club or lounge* means a building or a place of business that derives 75 percent or more of its gross revenue from the on premise sale of alcoholic beverages and provided that the premises does not hold a food and beverage certificate issued by the Texas Alcoholic Beverage Commission.

*Barber and beauty shop* means a building containing a facility for the cutting of hair, providing facial and manicure treatments and licensed by the State of Texas as a barber shop or beauty establishment.

*Berth* means a permanently allweather surfaced, marked area wholly within private property, the configuration of which complies with the written requirements of the traffic engineer for such berths.

*Billiard hall* means a building or area within containing facilities designed primarily for the purpose of playing the game of billiards.

*Bowling alley* means a building designed for playing the game of bowling.

*Building* means any structure or portion thereof, which is built, or otherwise constructed, for the support, shelter or enclosure of persons, animals, or property of any kind.

*Building materials or home improvement store* means a building, the major use of which is devoted to the sale of lumber, tools, screws, nails, paint, painting materials and related items.

*Car wash (automated)* means a building containing facilities for washing more than two motorized vehicles using production line methods with a chain conveyor, blower, steam cleaning device or other mechanical devices.

*Car wash (all others)* means a building for the washing of motorized vehicles.

*Central business district or CBD* means the area included and bounded by Buffalo Bayou, Chartress Street, Texas Street, Dowling Street, Hadley Street, Hamilton Street, McGowen Street, Bagby Street, and Heiner Street as projected and extended to Sabine Street. Properties abutting and fronting on such streets are included in the district.

An area that has:

- (1) A permanent public transit system;
- (2) Demonstrates a modal split in favor of public transportation;
- (3) An equivalent level of municipally owned public parking; and
- (4) Equivalent levels of vehicular traffic, as determined after a study by the director,

may be added to the above-described area and may, after a public hearing, be designated by the city council as a central business district.

*Certificate of occupancy* means a document issued by the building official after final inspections certifying that the building or structure complies with the provisions of this chapter and the Construction Code.

*Church* means a building which is exempt from ad valorem taxes, in which a society of persons

who profess a religious belief regularly assemble for religious worship or religious instruction or for propagating a particular form of religious belief.

*Clinic (medical complex)* means a group of interrelated buildings in close proximity to one another containing facilities providing all types

human medical care under common management or control including medical or dental professional buildings as a part of such a complex.

*Clinic (medical or dental)* means a building, the principal use of which is for the offices of physicians or dentists for the examination and treatment of persons on an out-patient basis. A clinic (medical or dental) shall include medical or dental professional buildings which are not a part of a clinic (medical complex) as herein defined.

*Clothing store* means a building, the major use of which is devoted to the sale of clothing.

*College or university* means a building containing the facilities for an institution of higher learning beyond the level of secondary schools.

*Commission* the city's planning commission created by the provisions of chapter 33 of this Code.

*Compact car* means a vehicle with an overall length of 16 feet or less and an overall width of six feet or less.

*Construction* means any act of forming, assembling, erecting or building a structure, building or portion thereof.

*Convenience market* means an establishment which provides services, primarily to individuals, of a convenient and limited nature, often in access-controlled facilities which make twenty-four-hour operation possible. This use may include the renting of private postal and safety deposit boxes to individuals and automated banking machines.

*Department* means the department of planning and development.

*Director* means the director of the department of planning and development and his designees.

*Discount store* means an establishment which primarily sells off-price goods or offers discounted prices for general retail merchandise.

*Driving range (golf)* means an area containing facilities to hit or impel a ball forcibly as practiced in the game of golf.

*Dwelling unit* means a single, integral portion of a building that provides complete, independent

living facilities for one or more persons including permanent provisions for living, eating, working and sanitation.

*Financial facility* means a building with facilities for an establishment authorized to receive and safeguard money, lend money, execute bills of exchange and purchase and exchange foreign currency, including, but not limited to, banks, savings and loan associations and savings banks.

*Funeral home or mortuary* means an establishment engaged in undertaking services such as preparing the human dead for burial and arranging and managing funerals.

*Floor area ratio* means the resulting number obtained by dividing the total floor area within a structure on a lot by the area of the lot.

*Furniture store* means a building, the major facility of which is devoted to the retail sale and display of furniture and appliances.

*Golf course* means a geographically defined area of land for the playing of the game of golf.

*Gross floor area or GFA* means the numerical expression in square feet of the enclosed gross floor area of the building or structure based upon the area submitted in the building permit application.

*Holder of legal interests* means a person or entity which holds fee simple title to certain land or structures. This term shall also include lessees who hold a ground lease with a remaining term of at least 20 years.

*Hospital* means a building containing facilities licensed by the State of Texas to provide medical care of the sick or injured.

*Hotel or motel* means any building containing guest rooms intended or designed to be used, rented, let out or hired out to be occupied or which are occupied for sleeping purposes by guests.

*Industrial facility* means a building containing facilities for the commercial production and sale of goods and services.

*Library* means a building or buildings that contain a repository or collection of literary and artistic materials such as books, periodicals and newspaper.

*Loading* means the act or activity of transferring items of property to or from a motor vehicle licensed as a truck by the State of Texas.

*Loading berth* means a designated interior or exterior space for the loading, unloading or parking of trucks and motor vehicles other than motor vehicles principally designed for passengers, that complies with the requirements of article IV of this chapter.

*Manufactured home* means a structure, transportable in one or more sections, which is eight body feet or more in width and 32 feet or more in length, which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and which includes the plumbing, heating, air-conditioning and electrical systems.

*Manufacturing facility* means a building for the performance of an operation or activity to make or process a raw or partially completed material into a finished or partially finished product.

*Memorandum of lease* means an agreement in recordable form signed by both a lessor and lessee setting forth the legal description of the property covered, the term of the lease and providing that the applicable property will be used exclusively for the parking of motor vehicles for the related use.

*Mini-warehouse facilities* means a building or group of buildings within an area primarily designed to contain space in individual compartments available to the general public for rent or lease for storage.

*Miniature golf* means a simplified version of golf played on a miniature course.

*Movie theater* means a building containing facilities for showing motion pictures to an audience or audiences.

*Museum* means a building or buildings that contain facilities for the loan or display of books, objects of art and science.

*Nursery school or day care center* means a building that contains facilities related to the care and education of children primarily under the age of six years. It shall include, but not be limited to, all buildings and facilities licensed by the State of Texas as registered homes and day care facilities under article 4442a, Texas Revised Civil Statutes Annotated (Vernon's).

*Nursing home* means a building containing facilities licensed by the State of Texas to provide accommodations for convalescents or other persons who are not acutely ill and not in need of hospital care but require skilled care and related medical services.

*Occupancy* means the classification of the use of a building or structure pursuant to section 26-21 of this Code.

*Off-site parking* means a parking facility or facilities located on a site other than the site for which a building or certificate of occupancy is sought and which facilities must be operated in order to comply with the requirements of this chapter.

*Office* means a building housing professional, administrative, educational, financial, religious, philanthropic, scientific or statistical organizations or a building in which the regular transaction of business occurs if that building has not been covered elsewhere in this chapter.

*On-site* means a location which is a genuine part of a development and located on a contiguous tract or parcel of land, subdivided lot or contiguous lots, or parts thereof, or on acreage intended and suitable for development. An on-site location does not include properties located across a public street or right-of-way.

*Park pavilion* means an enclosed or semi-enclosed building containing facilities for picnicking.

*Parking management area or PMA* means a high density urban development with a minimum

of 3,500,000 GFA and a minimum floor area ratio of 1.0 under a unified management entity in close proximity to permanent transit facilities.

*Parking space* means an identified marked area wholly within private property which is allweather surfaced and which complies with the requirements of this chapter.

*Permit* means a building permit or an occupancy certificate issued by the building official.

*Private sector parking facility* means a facility or facilities used for the purpose of storing parked vehicles.

*Psychiatric hospital* means a building containing facilities licensed by the Texas Department of Mental Health and Mental Retardation to provide care of the mentally ill or retarded.

*Reciprocal easement agreement* means a written agreement in recordable form between two or more property owners which includes, but is not limited to, a restriction on the use of certain property for parking purposes and designates the building or buildings which shall be entitled to the exclusive use of the designated parking areas.

*Restaurant* means a coffee shop, cafeteria, luncheonette, tavern, sandwich stand, soda fountain, and any other eating establishment, organization, or club, including veterans' club which gives or offers food for sale to the general public.

*Restaurant (with drive-in or drive-through facilities)* means a restaurant which includes facilities for the service of meals, or portions thereof, to a person or persons while in automobiles.

*Retail store (freestanding)* means a freestanding building which is generally designed for the retail sale or rental of commonly used goods or merchandise including but not limited to, apparel stores, furniture stores, or establishments providing products or services including, but not limited to: household cleaning and maintenance products, drugs, cards, stationery, notions, books, tobacco products, cosmetics, and specialty items, flowers, plants, hobby materials, toys and handcrafted items, jewelry, fabrics, and like items, cameras, photography services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishings and appli-

ances, art supplies, framing supplies, antiques, paint and wallpaper, carpeting, floor covering, interior decorating services, office supplies, or bicycles.

*Retirement community (with kitchen facilities)* means a building or series of buildings containing two or more individual dwelling units with individual kitchen facilities which are:

- (1) Specifically designed to meet the needs of persons over 55 years of age; and
- (2) Restricted for use for such purposes.

*Retirement community (without kitchen facilities)* means a building or series of buildings containing two or more dwelling units without individual kitchen facilities which are:

- (1) Specifically designed to meet the needs of persons over 55 years of age; and
- (2) Restricted for use for such purposes.

*Roller or ice skating rink* means an establishment designed primarily for use as a roller skating or ice skating area with a limited auditorium seating area.

*School (public, denominational or private)* means a building that contains facilities operated by a public, religious, or other agency with a curriculum for kindergarten, elementary or secondary education.

*Service station* means a building for the service of motor vehicles including but not limited to, the sale of gasoline and automobile repair and maintenance.

*Shared parking* means the use of the same off-street parking stall or stalls to satisfy the off-street parking requirements for two or more individual land uses without significant conflict or encroachment.

*Shopping center (community)* means a group of commercial establishments contained in a building or buildings encompassing a total building area from 100,001 to 400,000 square feet developed as an integrated unit under common ownership or common parking agreement (reciprocal parking agreement or similar arrangement) with on-site parking.

*Shopping center (neighborhood)* means a group of commercial establishments contained in a building or buildings encompassing a total building area from 25,001 to 100,000 square feet developed as an integrated unit under common ownership or common parking agreement (reciprocal parking agreement or similar arrangement) with on-site parking.

*Shopping center (regional)* means a group of commercial establishments contained in a building or buildings encompassing a total building area from 400,001 to 1,000,000 square feet developed as an integrated unit under common ownership or common parking agreement (reciprocal parking agreement or similar arrangement) with on-site parking.

*Shopping center (strip)* means a group of commercial establishments contained in a building or buildings encompassing a total building area from 0 to 25,000 square feet developed as an integrated unit under common ownership or common parking agreement (reciprocal parking agreement or similar arrangement) with on-site parking.

*Shopping center (super regional)* means a group of commercial establishments (including but not limited to occupancy class categories 6, 7, 8 and 9) contained in a building or buildings encompassing a total building area in excess of 1,000,000 square feet developed as an integrated unit under common ownership or common parking agreement (reciprocal parking agreement or similar arrangement) with on-site parking.

*Single-family residential dwelling unit* means a building designed to contain one or two separate living units with facilities for living, sleeping, cooking and eating.

*South Main/Texas Medical Center (South Main/TMC)* means the area generally described as follows:

- (1) The area included and bounded by Fannin, Holcombe, North McGregor Way and outer Belt and commonly known as the Original Campus.
- (2) The area included and bounded by Holcombe, Main Street, Maroneal and Montclair and commonly known as the South Main Addition—Hotel Site.

- (3) The area included and bounded by Holcombe, South Braeswood, Braes Bayou and Fannin and commonly known as the Fay Addition.
- (4) The area included and bounded by South Braeswood, Wyndale, Staffordshire, Old Spanish Trail and Selma and commonly known as the South Extension.
- (5) The area included and bounded by Old Spanish Trail, Cambridge, El Paseo and Knight Street and commonly known as the South Campus.
- (6) The area included and bounded by Old Spanish Trail, Almeda, Holcombe and Cambridge and commonly known as the Veteran's Administration Medical Center.
- (7) The area included and bounded by Holcombe, Braes Bayou and the northerly extension of Cambridge and commonly known as the Holcombe/Meyer Tracts.
- (8) The area included and bounded by South McGregor Way, HB&T RR and SH 288 and commonly known as the Anderson Campus.
- (9) The area included and bounded by Main Street, Holcombe, Fannin, Braes Bayou and Greenbriar and commonly known as the South Main Addition.
- (10) The area included and bounded by Fannin, Main, Holcombe and outer Belt.
- (11) The area included and bounded by Holcombe, South Braeswood and Braes Bayou and commonly known as the Center Pavilion site.
- (12) The area included and bounded by South Braeswood, Greenbriar, Old Spanish Trail and North Stadium and commonly known as one of the Smith Tracts.
- (13) The area bounded by South Braeswood to the north and Greenbriar to the west, and being approximately the western half of the area included and bounded by South Braeswood, Phoenix, Colonnade and Greenbriar and commonly known as one of the Smith Tracts.

- (14) The area bounded by Colonnade to the north, Greenbriar to the west, Old Spanish Trail to the south, and by the unrestricted tract in the Colonnade and Phoenix Drive Street Dedication Plat to the east and commonly known as one of the Smith Tracts.
- (15) The area included and bounded by West Holcombe Boulevard to the north, Grand Boulevard to the east, Lockett Avenue to the south, and Alameda Road to the west and formerly known as the Nabisco Plant located at 2450 Holcombe.

The South Main/Texas Medical Center is more particularly described in a metes and bounds description and map attached to Ordinance No. 89-712 as Exhibit "A," in Ordinance No. 93-1020 as Exhibit "A-1" and in a metes and bounds description and map attached to Ordinance No. 2002-681 as Exhibit "A-2." Any reference in Chapter 26, Code of Ordinances, or in Ordinance No. 89-712 to Exhibit "A" shall mean Exhibit "A" attached to Ordinance No. 89-712, Exhibit "A-1" attached to Ordinance No. 93-1020 and Exhibit "A-2" attached to Ordinance No. 2002-681. All properties abutting and fronting on the streets included in the general description of this area may not be included on Exhibit "A," "A-1," or "A-2."

*Special residential uses* means uses which include rooming houses, group dwellings, community facilities, homes for physically or mentally handicapped, lodging houses or other similar uses.

*Sports club/health spa* means a building equipped with facilities to promote and encourage physical exercise, development and relaxation.

*Sports complex* means a facility or area containing baseball, softball, football and soccer fields and related uses.

*Stadium* means a building with tiers of seats designed to accommodate spectator sports and other types of public amusement and entertainment.

*Summit/Greenway* means an area generally described as follows:

- (1) The area included and bounded by Buffalo Speedway, Richmond Avenue, Timmons Lane, Southwest Freeway (U.S. 59).

- (2) The area included and bounded by the Southwest Freeway (U.S. 59), Edloe Street, Westpark Drive and Wesleyan.
- (3) The area included and bounded by Wesleyan, Portsmouth Street, Timmons Lane and the Southwest Freeway (U.S. 59).
- (4) The area included and bounded by Richmond Avenue, Edloe Street, Timmons Lane and a line approximately 500 feet north of and parallel to Richmond Avenue.

The Summit/Greenway Area is more particularly described in a metes and bounds description and map attached to as Ordinance No. 89-712 as Exhibit "B." All properties abutting and fronting on the streets included in this description of this area may not be included in Exhibit "B."

*Supermarket* means a building containing a self-service retail food and household goods store, including but not limited to, convenience stores.

*Swimming club* means a building or area the primary use of which is aquatic sports or recreation.

*Temporary classroom building* means a building(s) built on skids and which is utilized by a public school district for the purpose of eliminating the shortage of classrooms in order to bring the student/teacher ratio into compliance with state law.

*Tennis/racquet club* means a building equipped with courts designed for playing racquet sports.

*Theater* means a building or area containing facilities for the performance of theatrical, literary or lyrical productions.

*Trade school* means a building providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a college or university, or school (private, denominational or private).

*Transit facility* means a facility which is:

- (1) Owned and operated by the Metropolitan Transit Authority (METRO);



- (2) A permanent and integral part of the transit system of METRO;
- (3) Designed to serve as a point from which METRO patrons take ingress and egress from the METRO transit system; and
- (4) Existing and has a remaining useful life which is at least equal to or greater than the life of the structures existing or proposed to be constructed within a proposed parking management area.

In addition, to qualify transit facility, an applicant must obtain a written certification from METRO addressed to the commission that each such facility meets the requirements for designation as a transit facility under this definition.

*Transportation terminal* means a building or structure which is used to accommodate the arrival and departure of passengers by aircraft, motor bus or railroad train.

*Truck terminal* means a building designed with two or more loading docks to facilitate the loading or unloading of trailer trucks.

*Uptown / Galleria* means an area generally described as follows:

- (1) The area included and bounded by San Felipe, South Post Oak, Post Oak Lane and the south boundary of West Oaks Subdivision.
- (2) The area included and bounded by San Felipe, West Loop South, Westheimer and McCue as extended to San Felipe.
- (3) The area included and bounded by Brownway, Yorktown, Sage and West Alabama.
- (4) The area included and bounded by McCue, Westheimer, Sage and a line approximately 600 feet north of and parallel to Westheimer.
- (5) The area included and bounded by Westheimer, West Loop South, Richmond Avenue and Sage.

The Uptown/Galleria Area is more particularly described in a metes and bounds description and map attached to Ordinance No. 89-712 as Exhibit

"C." All properties abutting and fronting on such streets included in this description of this area may not be included in Exhibit "C."

*Useable floor area or UFA* means the gross floor area of a structure excluding lobbies, hallways, restrooms, elevators, stairwells, mechanical shaft or verticle penetrations, atriums, mechanical rooms and service rooms.

*Veterinary clinic* means a building, the principal use of which is for the examination and treatment of animals.

*Warehouse* means a building in which goods or merchandise are stored.

(Ord. No. 89-712, § 2, 5-17-89; Ord. No. 90-635, §§ 54, 55, 5-23-90; Ord. No. 92-1173, § 1, 9-2-92; Ord. No. 93-514, §§ 37, 38, 5-5-93; Ord. No. 93-1020, §§ 1, 2, 9-25-93; Ord. No. 94-1268, § 4, 11-22-94; Ord. No. 96-958, §§ 2, 3, 9-18-96; Ord. No. 98-613, § 52, 8-5-98; Ord. No. 02-399, § 54, 5-15-02; Ord. No. 02-691, § 1, 7-31-02)

### **Sec. 26-3. Site plan requirements for off-street parking and loading; penalty for chapter violations.**

(a) The site plan review to verify compliance with all the off-street parking requirements of this chapter will be performed by the department. The site plan review process must be completed prior to the issuance of a building permit.

(b) No building permit shall be issued by the building official for the construction or alteration of a building within the city unless the director approves the site plan verifying that the applicant provides for the parking and loading needs for the facilities as required in this chapter except as provided in articles IV and V of this chapter. The director will be responsible for the review and approval of the site plan for compliance with the requirements of this chapter.

(c) No certificate of occupancy, as that term is used in the Building Code, shall be issued by the building official for a new or altered building wherein there has been a change in the use or occupancy classification unless the parking and loading facilities required for the new type of occupancy or use are constructed or provided. Prior to the issuance of a certificate of occupancy,

the building official shall inspect the parking and loading facilities provided to verify compliance with the approved site plan.

The building official may issue a building permit that does not require the construction of parking or loading facilities required by this chapter if the building permit is for the reconstruction of an existing building of which 50 percent or less was physically destroyed by flooding, fire, windstorm or acts of God. This exemption shall apply only where reconstruct-

tion of that building will not result in an increase in the GFA or UFA of the building or a change in use.

Except as provided in section 26-28(h) herein, no site plan review shall be required for work performed by a tenant, on behalf of a tenant, in:

- (1) A shopping center; or
- (2) A portion of a building in excess of 20,000 square feet of GFA, unless that tenant finish work alters the exterior dimensions of the shopping center or the building. For buildings that are less than 20,000 square feet of GFA, a site plan review for compliance with this chapter shall be required where a change of occupancy is proposed for all or a portion of that building.

In addition, the building official shall issue a building permit that does not require the construction of parking or loading facilities if the building permit does not pertain to the construction or alteration of a building for the purpose of increasing the intensity of use on the site and does not result in an increase in intensity of use on the site or a change in use of that building specifically including, but not limited to, finish work performed by a tenant, or on behalf of tenant, in all or a portion of a shopping center or other structure.

(d) The city council hereby finds and declares that a central business district(s) as herein defined has in place:

- (1) A demonstrated modal split of at least 20 percent ridership in favor of public transportation;
- (2) A significant level of parking that is available to the public without restriction (except for payment of a fee) that provides supplemental parking to that provided as a part of the individual land uses in the district(s); and
- (3) Hourly loading restrictions imposed by ordinance of the city council.

Having made these findings, city council has determined that the central business district has

in place an adequate level of parking and loading facilities and it is hereby exempted from the requirements of this chapter.

(e) It shall be a violation of this chapter for any person to construct or alter any building or improvement upon any property within the territorial limits of the city without first complying with the provisions of this chapter; provided, however, that no submission or approval of a site plan shall be required for the construction or alteration, of a building or improvement within the central business district. Any person violating any provision of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be fined an amount not less than \$100.00 nor more than \$500.00. Each day that such violation continues shall constitute a separate offense. Prosecution or conviction under this provision shall never be a bar to any other remedy or relief for violation of this chapter.

(Ord. No. 89-712, § 2, 5-17-89; Ord. No. 92-1449, § 41, 11-4-92; Ord. No. 96-958, § 4, 9-18-96; Ord. No. 02-399, § 55, 5-15-02)

#### **Sec. 26-4. Deed restriction compliance.**

A site plan submitted for review in order to verify compliance with all of the off-street parking requirements of this chapter shall not include any land for off-site parking that is restricted to residential use where the use or intended use of that restricted property as an off-site parking facility for a nonresidential purpose or enterprise would violate the applicable deed restrictions.

(b) No site plan submitted for review pursuant to this chapter shall be approved by the director if any of the off-site parking facility or facilities utilized to satisfy the off-street parking requirements of this chapter includes any land that is restricted to residential use and the use or intended use of that restricted property as an off-site parking facility for a nonresidential purpose or enterprise would violate the applicable deed restrictions.

(c) Every applicant who submits a site plan for review to verify compliance with the requirements of this chapter shall furnish to the director a certified copy of the instruments containing the deed restrictions, or the instrument of revocation

or termination, or the declaratory judgment, or any other recorded document containing restrictions that affect the use of all or any part of the property within the site plan, including all on-site and off-site parking facilities. If there are no recorded restrictions affecting the use of any of the property included within the site plan then the applicant shall submit a current abstractor's certificate or a title commitment which expressly states that there are no recorded restrictions applicable to the subject property. An abstractor's certificate or a title commitment required by this Section shall be prepared within 30 days prior to the date submitted by a title company authorized by law to do business in this state or by an attorney licensed to practice law in this state.

(d) No site plan shall be approved and no building permit or certificate of occupancy shall be issued until the requested supporting documentation has been produced. Any site plan approved or permit issued on the basis of either erroneous documentation or false information is void with the same force and effect as if it had never been approved or issued without the necessity of any action by the City of Houston, Texas or any other person or agency.

(Ord. No. 92-53, § 2, 1-22-92)

**Secs. 26-5—26-19. Reserved.**